



Atty. Dkt. No. 036481-0146

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Scott UMLAUF

Title: NUCLEIC ACID VACCINE COMPOSITIONS HAVING A  
MAMMALIAN CD80/CD86 GENE PROMOTER DRIVING  
ANTIGEN EXPRESSION

Appl. No.: 10/748,124

Filing Date: December 31, 2003

Examiner: Unassigned

Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S.P.T.O. has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

Applicant submits herewith on Form PTO/SB/08 a listing of the documents cited by or submitted to the U.S.P.T.O. in parent application Serial No. 09/705,022, filed November 1, 2000. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since

they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

#### **RELEVANCE OF EACH DOCUMENT**

The relevance of the foreign-language documents is explained in the parent application.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

Information Disclosure Statement  
U.S.. Appln. No.: 10/748,124

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even entirely missing, the Commissioner is authorized to charge the unpaid amount to  
Deposit Account No. 19-0741.

Respectfully submitted,

Date July 30, 2004

FOLEY & LARDNER LLP  
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By Richard C. Peet

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OIPE JUL 30 2004 PATENT Sheet 1 of 3		Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: July 30, 2004 (use as many sheets as necessary)		<b>Complete if Known</b> Application Number: 10/748,124 Filing Date: 12/31/2003 First Named Inventor: Scott UMLAUF Group Art Unit: Unassigned Examiner Name: Unassigned Attorney Docket Number: 036481-0146	
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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	US 4,945,050		SANFORD et al.	07-31-1990	
	A2	US 5,100,792	A	SANFORD et al.	03-31-1992	
	A3	US 5,120,657	A	McCABE et al.	06-09-1992	
	A4	US 5,149,655	A	McCABE et al.	09-22-1992	
	A5	US 5,187,077	A	GEARING et al.	02-16-1993	
	A6	US 5,204,253	A	SANFORD et al.	04-20-1993	
	A7	US 5,584,807	A	McCABE	12-17-1996	
	A8	US 5,589,466	A	FELGNER et al.	12-31-1996	
	A9	US 5,630,796	A	BELLHOUSE et al.	05-20-1997	
	A10	US 5,738,852	A	ROBINSON et al.	04-14-1998	
	A11	US 5,865,796	A	McCABE	02-02-1999	
	A12	US 6,168,587	B1	BELLHOUSE et al.	01-02-2001	
	A13	US 6,194,389	B1	JOHNSTON et al.	02-27-2001	
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FOREIGN PATENT DOCUMENTS								
Examin er Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A15	WO	94/24263	A1	OXFORD BIOSCIENCES LIMITED	10-27-94		
	A16	WO	96/04947	A1	OXFORD BIOSCIENCES LIMITED	02-22-1996		
	A17	WO	96/12513	A1	OXFORD BIOSCIENCES LIMITED	05-02-1996		
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	A19	WO	96/20022	A1	OXFORD BIOSCIENCES LIMITED	07-04-1996		
	A20	WO	97/32987	A1	UNIVERSITY OF TORONTO	09-12-1997		
	A21	WO	97/48485	A1	POWDERJECT RESEARCH LIMITED	12-24-1997		
	A22	WO	98/10750	A2	POWDERJECT RESEARCH LIMITED	03-19-1998		
	A23	WO	98/28332	A2	BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM	07-02-1998		

Examiner Signature		Date Considered	
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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: July 30, 2004 (use as many sheets as necessary) Sheet 2 of 3		<b>Complete if Known</b> <table border="1"> <tr> <td>Application Number</td> <td>10/748,124</td> </tr> <tr> <td>Filing Date</td> <td>12/31/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Scott UMLAUF</td> </tr> <tr> <td>Group Art Unit</td> <td>Unassigned</td> </tr> <tr> <td>Examiner Name</td> <td>Unassigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>036481-0146</td> </tr> </table>		Application Number	10/748,124	Filing Date	12/31/2003	First Named Inventor	Scott UMLAUF	Group Art Unit	Unassigned	Examiner Name	Unassigned	Attorney Docket Number	036481-0146
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NON PATENT LITERATURE DOCUMENTS			
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	A24	ARMITAGE et al., <i>Nature</i> (1992), 357:80-82.	
	A25	BRANKENHOFF et al., <i>Immunol.</i> (1987), 139:4116-4121.	
	A26	CHEN et al., <i>Journal of the American Society of Hematology</i> (1995), 86(10):Abstract No. 963.	
	A27	ELLIS et al., <i>J. Immunol.</i> (1996), 56:2700-2709.	
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	A29	FREEMAN et al., <i>Immunology</i> , 2 <sup>nd</sup> Ed. (1994), pp. 19-20, 89-90, 103-106 and 297-298.	
	A30	FREEMAN et al., <i>Science</i> (1993), 262:909-911.	
	A31	GURUNATHAN et al., <i>J. Immunol.</i> (1998), 161:4563-4571.	
	A32	JENKINS, M.K., <i>Immunol. Today</i> (1992), 13:69-73.	
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	A34	LAI et al., <i>DNA and Cell Biol.</i> (1995), 14:643-641.	
	A35	LI et al., "Cloning and Functional Characterization of the 5'-Regulatory Region of the Human CD86 Gene," <i>Human Immunology</i> (2000), 61:486-498.	
	A36	LIU, Y. et al., <i>J. Exp. Med.</i> (1992), 175:437-445.	
	A37	LYMAN, et al., <i>Oncogene</i> (1995), 11(6):1165-72.	
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	A42	NABAVI et al., <i>Nature</i> (1992), 360:266-268.	
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	A46	ROMANI et al., <i>J. Invest. Dermatol.</i> (1989), 93:600-609.	

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	A47	SCHULER et al., <i>J. Exp. Med.</i> (1985), 161:526-546.	
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	A53	TACKET et al., "Phase 1 Safety and Immune Response Studies of a DNA Vaccine Encoding Hepatitis B Surface Antigen Delivered by a Gene Delivery Device," <i>Vaccine</i> (1999), 17:2826-2829.	
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	A55	WONG et al., <i>J. Biol Chem</i> (1997), 272(40):25190-4.	
	A56	WONG et al., <i>J. Exp. Med.</i> (1997), 186:2075-2080.	
	A57	WONG et al., <i>J. Immunol.</i> (1999), 162:2251-2258.	
	A58	ZHANG et al., <i>Gene</i> (1996), 183:1-6.	

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